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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belize, Bolivia, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Congo, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Honduras, Iceland, Ireland, Israel, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Monaco, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Samoa, Serbia and Montenegro, Slovenia, Sudan, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-sixth session[2] and the conclusions and decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 12* (A/60/12).

[2] Ibid., *Supplement No. 12A* (A/60/12/Add.1).

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Expressing its appreciation for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities, and underscoring its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-sixth session;[1]

2. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, and notes in this context the adoption of the general conclusion on international protection, the conclusion on the provision of international protection, including through complementary forms of protection, and the conclusion on local integration,[2] which are aimed at strengthening the international protection regime, consistent with the Agenda for Protection[3] and at assisting Governments in meeting their protection responsibilities in today's changing international environment;

3. *Reaffirms* the 1951 Convention relating to the Status of Refugees[4] and its 1967 Protocol[5] as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-six States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines in particular the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

4. *Notes* that fifty-eight States are now parties to the 1954 Convention relating to the Status of Stateless Persons[6] and that thirty States are parties to the 1961 Convention on the Reduction of Statelessness,[7] and encourages the High Commissioner to continue his activities on behalf of stateless persons;

5. *Notes with interest* the Mexico Plan of Action to Strengthen International Protection of Refugees in Latin America[8] endorsed by States participating in the commemoration of the twentieth anniversary of the Cartagena Declaration on Refugees[9] convened in Mexico City in November 2004, and supports efforts by interested States and the Office of the High Commissioner to promote its implementation, with the cooperation and assistance of the international community, so as to strengthen refugee protection in Latin America and to ensure timely and effective responses to situations of forced displacement;

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[1] Ibid., chap. III, sect. A.C.

[2] Ibid., *Fifty-seventh Session, Supplement No. 12A* (A/57/12/Add.1), annex IV.

[3] United Nations, *Treaty Series*, vol. 189, No. 2545.

[4] Ibid., vol. 606, No. 8791.

[5] Ibid., vol. 660, No. 9130.

[6] Ibid., vol. 360, No. 5158.

[7] Available from http://www.unhcr.org.

[8] *International Journal of Refugee Law*, vol. 5, No. 1 (1993), p. 116.

[9] *International Journal of Refugee Law*, vol. 6, No. 3 (1994), p. 393.

6. *Welcomes* the successful conclusion of the process entitled "Follow-up to the 1996 Geneva Conference on the Problems of Refugees, Displaced Persons, Migration and Asylum Issues" in the countries of the Commonwealth of Independent States, and encourages States, the Office of the High Commissioner and other relevant actors to continue to work collaboratively, building on the successes of the Conference process to date;

7. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

8. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of, and reducing the heavy burden borne by, countries that have received large numbers of refugees and asylum-seekers, and calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, in particular least developed countries, and countries with economies in transition;

9. *Urges* all States and international organizations and institutions, with the support of the international community, to enhance and to become more effective in their efforts to address the root causes of forced displacement, and recognizes the catalytic role of the Office of the High Commissioner in this regard;

10. *Emphasizes* that international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

11. *Notes* the activities in pursuit of the objectives of the Convention Plus initiative,[11] and encourages the United Nations High Commissioner for Refugees and interested States to strengthen the international protection regime through the development of specific, multilateral, comprehensive and practical approaches to resolving refugee situations, including improving international burden- and responsibility-sharing and realizing durable solutions within a multilateral context;

12. *Welcomes* the progress that has been achieved in increasing the number of refugees resettled and the number of States offering opportunities for resettlement, notes that the Multilateral Framework of Understandings on Resettlement[12] sets out the strategic use of resettlement as part of a comprehensive

[11] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 12* (A/59/12), chap. III, para. 23.

[12] Available from http://www.unhcr.org.

approach to refugee situations aimed at improving access to durable solutions for a greater number of refugees, and invites interested States, the Office of the High Commissioner and other relevant partners to make use of the Framework, where appropriate and feasible;

13. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and other displaced persons and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with refugee-hosting countries and countries of origin, including their respective local communities, United Nations agencies and other development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, including the "4Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return, and encourages States, in cooperation with United Nations agencies and other development actors, to support, inter alia, through the allocation of funds, the development and implementation of the 4Rs and other programming tools to facilitate the transition from relief to development;

14. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

15. *Acknowledges* that the provision by States of complementary forms of protection to ensure that persons in need of international protection actually receive it is a positive way of responding pragmatically to certain situations, and affirms that measures to provide complementary forms of protection should be implemented in a manner that strengthens the existing international refugee protection regime;

16. *Notes* that local integration in the refugee context is a sovereign decision and an option to be exercised by States guided by their treaty obligations and human rights principles and that it is a dynamic and multifaceted two-way process requiring efforts by all parties concerned, including a preparedness on the part of refugees to adapt to the host society without having to forego their own cultural identity and a corresponding readiness on the part of host communities and public institutions to welcome refugees and to meet the needs of a diverse population, and acknowledges that the process of local integration is complex and gradual, comprising three distinct but interrelated legal, economic and social and cultural dimensions, all of which are important to the ability of refugees to integrate successfully;

17. *Acknowledges* that the global refugee situation represents an international challenge requiring that international burden- and responsibility-sharing be addressed effectively, and recognizes that allowing for local integration, where applicable, is an act of States that is a durable solution for refugees, which contributes to said burden- and responsibility-sharing, without prejudice to the specific situation of certain developing countries facing mass influxes;

18. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the

return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned,

19. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, and calls upon all States of refuge, in cooperation with international organizations where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers;

20. *Affirms* the importance of mainstreaming the protection needs of women and children to ensure their participation in the planning and implementation of programmes of the Office of the High Commissioner and State policies and the importance of according priority to addressing the problem of sexual and gender-based violence;

21. *Encourages* the Office of the High Commissioner to continue to improve its management systems and to ensure effective and transparent use of its resources, *recognizes* that adequate and timely resources are essential for the Office to continue to fulfil the mandate conferred upon it through its statute[11] and by subsequent General Assembly resolutions concerning refugees and other persons of concern, *recalls* its resolutions 58/153, 58/270 of 23 December 2003 and 59/170 of 20 December 2004, concerning the implementation of paragraph 20 of the Office's statute, and *urges* Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

22. *Requests* the High Commissioner to report on his activities to the General Assembly at its sixty-first session.

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[11] Resolution 428 (V), annex.